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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Revision No.2589 of 2016
Date of Decision: 12.11.2018**

SHASHI

.....Petitioner

Vs

SURINDER KUMAR AND ANR

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Kushagra Mahajan, Advocate
for the petitioner.

Mr. S.S. Rana, Advocate and
Mr. Sarvesh Kumar Gupta, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has assailed the order dated 10.08.2015 passed by the Addl. Civil Judge (Sr. Divn.) Amritsar, whereby the application filed by the petitioner under Order 21 Rule 32 read with Section 151 CPC was dismissed.

[2]. Brief facts are that an *ex parte* judgment and decree was passed on 27.08.2012. Defendants/judgment-debtors were restrained from interfering in the suit property measuring 65 sq. yards and relief qua dispossession from another property

situated at Tung Pai, Sub Urban, New Dashmesh Nagar, Near Dera Baba Baba Sadak Shah, Tehsil and District Amritsar was also granted.

[3]. The violation of the decree was alleged on 02.10.2012 for which an application under Order 21 Rule 32 CPC was filed. In the execution proceedings, defendant No.1 was proceeded against *ex parte* on 17.04.2013, however defendant No.2 once appeared and again absented. Thereafter, he was proceeded against *ex parte* on 24.08.2013. The decree-holder sought initiation of proceedings against the judgment-debtors in terms of Order 21 Rule 32 CPC.

[4]. The trial Court held that the photographs Ex.A-1 and Ex.A-2 could not be proved for want of their lawful execution as well as non-examination of the photographer. The site plan Ex.A-4 was not proved in accordance with law. The particulars of wall were not described in terms of configurations viz. length, breadth and height. The date on which wall was constructed could not be demonstrated with reference to any material evidence on record.

[5]. The dismissal of the application under Order 21 Rule 32 CPC on the aforesaid premise cannot be held to be illegal by any stretch of imagination. The impugned order dated 10.08.2015 passed by the Addl. Civil Judge (Sr. Divn.) Amritsar

does not suffer with any error of jurisdiction. This revision
petition is accordingly dismissed.

November 12 , 2018

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No